

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHANDRASEKHAR NARAYANASWAMI

Appeal No. 2001-0518
Application No. 08/745,524

ON BRIEF

Before HAIRSTON, FLEMING, and DIXON, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1 through 21, which constitute all the pending claims in the application.

The disclosed invention relates to a panoramic three-dimensional video conferencing system (brief at pages 2 and 3). During conferencing the source video system calculates a difference image representing difference between a source image and a background image. The difference image is the difference between the actual

image and a representation of the background panoramic image based on the environmental map (specification, page 11, lines 9-10). During conferencing the source system communicates said difference image and said position and field of view of said camera to said target system. Accordingly, the target system renders said background environment map according to said position and field of view of said camera to thereby generate a background image visible for said position and field of view of said camera.

The following claim further illustrates the invention.

1. A method for communicating image data from a source system to a target system comprising the following steps performed at said source system:

generating a background environment map, said background environment map comprising a mapping of a panoramic image onto pixels of a three dimensional surface, wherein said background environment map is rendered according to varying positions and fields of view of a camera to provide a view of said panoramic image as seen from different orientations and fields of view;

communicating said background environment map to said target system;

capturing a source image from a position and field of view of said camera;

rendering said background environment map according to said position and field of view of said camera to generate a background image visible for said position and field of view of said camera;

generating a difference image representing difference between said source image and said background image; and

communicating said difference image and said position and field of view of said camera to said target system.

The examiner relies on the following references:

Ueno et al. (Ueno)

4,951,140

Aug. 21, 1990

Chen et al. (Chen)

5,396,583

Mar. 7, 1995

Claims 1 through 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueno in view of Chen.

Rather than repeat the arguments of appellant and the examiner, we make reference to the brief (paper no. 18) and the examiner's answer (paper no. 19) for the respective details.

OPINION

We have considered the rejection advanced by the examiner and the supporting arguments. We have, likewise, reviewed the appellant's arguments set forth in the brief.

We reverse.

REJECTION UNDER 35 U.S.C. § 103

As a general proposition, in an appeal involving a rejection under 35 U.S.C. § 103, an examiner is under a burden to make out a **prima facie** case of obviousness. If that burden is met, the burden of going forward then shifts to the applicant to overcome the **prima facie** case with argument and/or evidence. Obviousness, is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. **See In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); **In re Hedges**, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); **In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and **In re**

Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

Following the above guidelines, the examiner rejects claims 1 through 21 at pages 3 to 6 of the examiner's answer in detail over Ueno and Chen. Appellant argues (brief at page 5) that "the prior art references, individually or in combination, do not teach or suggest the communication of camera position parameters, for example, azimuth, elevation, or zoom." Appellant further argues along the same lines (brief at page 7) that "Ueno and/or Chen does not disclose or suggest such a method for utilizing camera parameters communicated from a source system." The examiner responds with diligence to the various points raised by appellant in the brief at pages 6 through 13 of the examiner's answer. The crux of the examiner's argument seems to us to be exemplified by the following quotation from the examiner's answer where the examiner states (answer at pages 6 and 7) that "there is nothing in Ueno et al[.] that precludes the movement of the camera in the video phone or teleconference environment so that, for instance, a plurality of people may each be viewed as desired when talking (see column 1, lines 6-8 and column 3, lines 64-66). The camera within Ueno et al[.] must obviously be adjusted to the desired position in order to view the object (i.e., person) of interest."

We are not convinced by the examiner's position. Whereas we agree with the examiner that the limitations from the specification are not to be imported into the claims (answer at page 7), the claims are to be interpreted not in a vacuum but in the light of the specification. The specification at pages 4, 11, 12 and 13 and Figure 6 of the disclosure clearly indicates that the varying position parameters of the camera are utilized by appellant in the invention. Therefore, the examiner's assertion that Ueno does not preclude the movement of the camera so that the lens of the camera can be focused on a person among a plurality of persons during a conference does not amount to the same recitation which appellant discloses and claims in terms of the physical movement of the camera itself. We agree with appellant that there is nothing in Ueno or Chen which transmits the physical position and field of view of the camera itself from the source to the target or destination. Therefore, we cannot sustain the obviousness rejection of claims 1 through 21 over the combined teachings of Ueno and Chen because all the claims recite the same or similar limitation.

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The decision of the examiner rejecting claims 1 through 21 under 35 U.S.C.
§ 103 (a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
MICHAEL R. FLEMING)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
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PSL/JLD:hh

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